

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 25, 2008, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, June 25, 2008 Worksession.

Action: Approved, (DKP/CGT, 4-0).

2. **CBA-1178, Petition of Dr. Beverly W. Dunn** (non-resident medical practitioner). Letters to the Board from John Brennan requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (WMH/DKP, 4-0).

3. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception.

Action: Item deferred for additional information regarding the ownership of the special exception property, consensus.

4. **S-274-C, Petition of Suburban Hospital** (hospital). Minutes of the Suburban Hospital – Huntington Terrace Citizens' Association CLC meeting,

Action: Re-opened the record to include the Minutes of the Suburban Hospital-Huntington Terrace Citizens' Association CLC meeting, (CGT/DKP, 3-0/WMH/recused)

5. **S-1705, Petition of Craig Brisbane** (home occupation). Memorandum to the Board from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as abandoned, (WMH/DKP, 4-0).

6. **S-1713, Petition of T & J Lawn Service** (landscape contractor). Letter to the Board from C. Robert Dalrymple, Esquire, and Heather Dlhopsky, Esquire, requesting a transfer of the special exception.

Action: (1) Re-opened the record to include the contract; (2) granted the transfer of the special exception, (DKP/CGT, 4-0).

7. **S-1748, Petition of James A. Ford** (private riding stable). Letter to the Board from Gail Palestine requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (CGT/WMH, 4-0).

8. **S-2163, Petition of Linda S. Weaver** (accessory apartment). Letter to the Board from Mark and Mary Ann Malakoff requesting a transfer of the special exception.

Action: Granted the transfer of the special exception conditional upon a signed affidavit of posting, (DKP/CGT, 4-0).

9. **S-2459, Petition of Hampshire Village Associates** (housing for the elderly and handicapped). Letter from Stephen Orens, Esquire, notifying the Board that the parking spaces approved in the Board's Resolution dated 8/23/07 have been installed.

Action: Re-opened the record to include Mr. Orens' letter, (CGT/DKP, 4-0).

10. **S-2709, Petition of T-Mobile Northeast, L.L.C. and West Hillandale Swim Club.** Letter to the Board from Royal Fuchs requesting to participate in the special exception's Oral Argument.

Action: (1) Granted the request for Oral Argument; (2) Oral Argument is limited to one hour for both parties in support or in opposition of the special exception (DKP/CGT, 4-0)

11. **S-2713, Petition of Bradley D. Stewart** (accessory apartment). Letter to the Board from the petitioner requesting that the special exception be revoked.

Action: Revoked the special exception as abandoned, (CGT/WMH, 4-0).

DECISION ITEMS:

12. **A-6251, Petition of Katharine A. Radi** (one-story accessory structure/detached garage). Letter to the Board from Stuart Barr, Esquire.

Action: Denied variance, (DKP/WMH, 4-0)

DECISION ITEMS (continued):

13. **S-2723, Petition of Elizabeth Knox and William Hutchins** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation;
(2) granted the special exception with conditions, (WMH/CGT, 4-0)

PENDING ITEMS:

14. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
15. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
16. **CBA-867 [CBA-2048, S-717, S-717-A, S-1187], Petition of Our House, Inc.** (hospital, sanitarium, nursing or care home). Letter to the Board from Stuart Barr, Esquire, and April Birnbaum, Esquire, requesting clarification of the appropriate special exception use category. (1) Re-opened the record to include Mr. Barr's and Ms. Birnbaum's letter; (2) item deferred for additional information regarding how the current use conforms to the current criteria [W/S 2/20/08].
17. **CBA-969-A, Petition of Millenium Health Services** (nursing home or domiciliary care home). Status update on the compliance of the special exception. (1) Petitioner has hired engineer to develop a special exception site plan; (2) prior to applying for building permits the petitioner will submit to the Board the proposed site plan [W/S 3/19/08].
18. **S-1073, Petition of Phyllis Smith-Larkins** (accessory apartment). Check received from Rita Larkins requesting the transfer of the special exception. Letter sent to Ms. Larkins notifying her of the required posting for the transfer of a special exception. Letter dated 3/31/08.
19. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].

PENDING ITEMS (continued):

20. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc [W/S 4/30/08].
21. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas** (housing for the elderly and the handicapped). Inspection report to the Board from Barbara Piczak, Inspector, DPS. (1) Re-opened the record to include the inspection report from Ms. Piczak; (2) deferred action on the Show Cause Hearing until after the compliance date of 5/16/08 [W/S 4/30/08].
22. **S-2506-A [S-2506], Petition of East Coast Landscape, Inc.** (landscape contractor). Letter from Martin Hutt, Esquire, notifying the Board that the special exception holder has received conditional Recommendation for Approval from M-NCPPC. (1) Re-opened the record to include Mr. Hutt's letter with attachment; (2) granted 180-day extension for receipt of M-NCPPC approval [W/S 5/7/08].

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